

REMARKS

Claims 3-8, 10-13, 15 and 19 are currently pending in this application, as amended. By this Reply, Applicants' have amended claims 3-8, 10-13, 15 and 19. and canceled claims 1 and 9. No new matter has been introduced into the application by these amendments.

In the Action, claims 11, 12, 15, and 19 were objected to as being dependent upon a rejected base claim, but it was indicated that these claims would be allowable if rewritten in independent form including all of the limitations of their base claim. Claims 11, 12, 15, and 19 have been rewritten in independent form, each incorporating the limitations of claim 9. Accordingly, Applicants respectfully submit that claim 11, 12, 15, and 19 are patentable and request withdrawal of the objection to these claims. The remaining claims 3-8, 10, and 13 have been amended to depend from claim 19 and are therefore also patentable.

In the Action, original claims 1 and 3-8 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection was in response to the following recitation in claim 1: "fibers that do not absorb substantial amounts of x-rays", which was used to distinguish from the X-Ray absorbing fibers.

Applicants note that the application as originally filed contains numerous references to fibers having high X-ray absorption dispersed in a composite among

other fibers with a necessarily lesser amount of X-ray absorption. The Specification recites:

It is additionally proposed for the composite that it consist of a polymer or ceramic material with a high fiber percentage, primarily using continuous, long or short fibers, wherein at least a small percentage of fibers or fibrous parts consist of a material with a high X-ray absorption. [page 3, 3rd full paragraph]

Further, the application describes a composite including carbon fibers and fibers made out of a material with a high X-ray absorption [See page 4, 4th full paragraph]

It is apparent to one skilled in the art based on the original disclosure that carbon fibers must have a comparatively lower X-ray absorption than the high X-ray absorption fibers in order for there to be an observable difference in X-ray properties. It is an inherent material property of the carbon fiber that it does not absorb substantial amounts of X-rays, and it is submitted that this characterization of the material property cannot be new matter in view of the very purpose of the invention. Accordingly, Applicants respectfully submit that the Section 112 rejection is without merit. However, in the in the interest of assuring allowance of the pending claims, Applicants have removed the language that was objected to in claim 1, as well as similar language that appeared in claim 19.

Claims 9 was rejected under 35 U.S.C. §102(b). Claims 1, 3-10, and 13 were rejected under 35 U.S.C. §103(a). Applicants respectfully submit that these substantive rejections are moot in view of Applicants' placing allowable claims 11,

Applicant: Magerl et al.
Application No.: 09/701,104

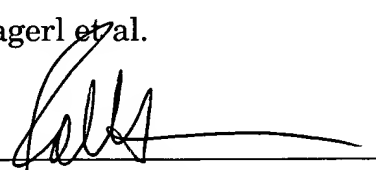
12, 15, and 19 in independent form and rewriting the remaining pending claims to depend from allowable claim 19.

If for any reason the Examiner is unable to allow the application on the next Office Action and believes that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned by telephone for the purpose of arranging an interview.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and submit that the present application, including claims 3-8, 10-13, 15 and 19, is in condition for allowance. An early notice to that effect is respectfully solicited.

Respectfully submitted,

Magerl et al.

By 
Randolph J. Huis
Registration No. 34,626
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

RJH/DPD/pf